

## **5-4: TR-5 TRANSITIONAL RESIDENTIAL ZONE**

### **A. DECLARATION OF LEGISLATIVE INTENT**

The TR-5 Transitional Residential Zone covers land which abuts on or lies adjacent to the boundaries of existing municipalities. The area is characterized by open land that is interspersed with residential dwellings.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the TR-5 Transitional Residential Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Section 17-27-102 Utah Code Annotated 1953 and to implement the plans provided for in Section 17-27-301 of the said Code and to carry out the legislative policy set forth in Section 10-2-401 Utah Code Annotated.
2. To promote the orderly conversion of open land into residential areas by facilitating incorporation or annexation to a municipality.
3. To promote efficiency and economy in the process of development.
4. To bring about economical utilization of water, drainage, sanitary, and other facilities.
5. To reduce the waste of financial and physical resources by providing an efficient, economical development process for the change from rural to developed lands, and by making an efficient, economical system of water, drainage, sanitation, and other public facilities.
6. To more fully bring about the implementation of the county's master plan.

The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

### **B. PERMITTED USES**

The following buildings, structures, and uses of land shall be permitted in the TR-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. One-family dwellings and manufactured homes.
2. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant; however, no accessory building shall have a ground floor area in excess of 1000 square feet, unless the lot exceeds one (1) acre in area, which would allow a maximum floor area of 2,000 square feet per lot.
3. Family day-care centers, foster care homes and private preschools.
4. Residential facilities for handicapped persons and residential facilities for elderly persons, subject to the standards set forth in zoning sections 3-42 and 3-43, respectively.

5. Home occupations, subject to the conditions set forth in zoning section 3-36.
6. Churches and other structures for religious worship, and churches with a parsonage.
7. The pasturing of domestic livestock and the keeping of fowl for personal use. Also barns, sheds, pens and coops for keeping such livestock and fowl, subject to the requirements of zoning section 3-19, and the requirement that the total floor area of such structures shall not exceed 1000 square feet per lot, unless the lot exceeds one (1) acre in area, which would allow a maximum floor area of 2,000 square feet per lot..
8. The production of fruits and crops in the field.
9. Buildings, silos, and other structures for the storage and keeping of farm products and farm machinery, subject to the requirement that the total floor area of such structures shall not exceed 1000 square feet per lot, unless the lot exceeds one (1) acre in area, which would allow a maximum floor area of 2,000 square feet per lot.
10. Fish hatcheries and the raising of fish.
11. Greenhouses which cover 1000 square feet or less per lot, unless the lot exceeds one (1) acre in area, which would allow a maximum floor area of 2,000 square feet per lot..
12. Outdoor forest and plant nurseries.
13. Public parks and historical monuments.
14. Landscape parks.
15. Botanical gardens and arboretums.
16. Man-made lakes, ponds, dams and other uncovered impoundments if such are under ten (10) acre feet in capacity; and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
17. Fences, walls, and landscaping, subject to the conditions of zoning sections 3-20 and 3-21.
18. Signs, subject to the provisions of zoning section 3-37.
19. Water wells and appurtenant pumps and pumphouses.

#### C. PERMITTED CONDITIONAL USES

In the TR-5 zone the following buildings, structures, and uses of land shall not be permitted by the Zoning Administrator unless approval of a conditional use permit has been authorized in accordance with the zoning ordinance by the designated reviewing agency:

1. A man-made lake, pond, dam or other uncovered water reservoir over ten (10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is

found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a special exception according to the provisions of zoning section 7-21.

2. A nursing home or residential treatment center which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21, and which meets the supplemental requirements of zone section 3-57.

3. A preschool, or primary or secondary school, which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.

4. A water treatment plant or sewage treatment plant which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.

5. A public park facility which the Planning Commission has approved in a public park and issued a conditional use permit according to the provisions of zoning sections 3-48 and 7-24-D.

6. A landscape park recreational facility which the Planning Commission has approved in a landscape park and issued a conditional use permit according to the provisions of zoning sections 3-49 and 7-24-D.

7. A cemetery which has been granted a conditional use permit by the Planning Commission according to the provisions of zoning sections 3-52 and 7-24-D.

8. An electric power transmission line over 69 kv, but less than 138 kv capacity (and rights-of-way and substations) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.

9. A gas transmission line having a design pressure of 600 psi or more, or a pipe diameter of 16" or more (and rights-of-way and regulating stations) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.

10. A planned unit development which has been granted a conditional use permit and plat approval by the County Commission according to the procedures and conditions set forth in zoning sections 6-1 and 6-2.

11. A planned subdivision which has been granted a conditional use permit and plat approval by the County Commission according to the procedures and conditions set forth in zoning sections 6-1 and 6-3.

#### D. AREA REQUIREMENTS

The minimum area of a zoning lot within the TR-5 zone shall be as follows:

1. Each one family dwelling, mobile home, family day-care center, foster care home, residential facility for handicapped persons, or residential facility for elderly persons, shall be on a lot containing at least five (5) acres of land.

However, without regard to the acreage requirement stated above, if the property is included in a recorded large-scale development plat, the minimum required area shall be the entire undivided lot or

dwelling site as depicted on such plat.

2. Each nursing home or residential treatment center shall be located on a lot containing at least five (5) acres of land.
3. Each planned subdivision shall be located on a lot containing at least five (5) acres of land except as provided for in zoning section 6-3-F-2 for nonconforming lots of record.
4. Each parcel resulting from the division of agricultural land for agricultural purposes under the exemption from the plat filing requirements, as provided pursuant to the provisions of Section 3-53-B-1 of the Utah County zoning Ordinance and Section 17-27-806(2) of the Utah Code Annotated, 1953 as amended, shall not be less than five (5) acres in area, as shown on the approved and recorded record of survey map.
5. Each planned unit development shall be located on a lot containing at least five (5) acres of land.
6. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 ½) acres of land; each church with a parsonage shall be on a lot containing five (5) acres of land.
7. Each preschool, or primary or secondary school shall be located on a lot containing at least five (5) acres of land.
8. Each landscape park containing approved recreational facilities and each public park containing approved concessions or facilities shall be located on a lot containing at least five (5) acres of land.
9. For the pasturing of domestic livestock the minimum lot area shall be one-half acre plus one-half acre per head;
10. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this ordinance.

#### E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the TR-5 zone shall be as follows:

1. For each one-family dwelling, mobile home, family day-care center, foster care home, residential facility for handicapped persons, residential facility for elderly persons, or home occupation, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

However, without regard to the width requirement stated above, if the property is included in a recorded large-scale development plat, the required width shall be the width of the undivided lot or building site as depicted on such plat.

2. For each nursing home or residential treatment center the minimum width of the lot at any point between the frontage and the structure shall be two-hundred fifty (250) feet.
3. For each church or other structure for religious worship, or church with parsonage, the minimum

width of the lot at any point between the frontage and the structure shall be two-hundred fifty (250) feet.

4. For each preschool, or primary or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be two-hundred fifty (250) feet.

5. For each public park containing approved concessions or landscape park containing approved recreational facilities, the minimum width of the lot along the road frontage shall be two-hundred fifty (250) feet.

6. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

## F. LOCATION REQUIREMENTS

Except in recorded planned unit development plats, where buildings shall be located as depicted on the approved plat and plans, the minimum location requirements within the TR-5 zone shall be as follows:

### 1. Front Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of zoning sections 3-20, 3-21 and 3-44, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by zoning section 3-16.

### 2. Side and Rear Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of zoning sections 3-20, 3-21 and 3-44, shall have a side and rear setback of at least fourteen (14) feet from any property line unless a greater setback is required by zoning section 3-16.

Exception: The minimum setback shall be the approved setback line where such line has been shown on a recorded large scale development plat which has a water system supplying hydrants with fire flow amounts meeting current Utah County standards.

## G. HEIGHT REQUIREMENTS

The height requirements within the TR-5 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet, and any detached residential accessory structure, livestock, fowl or farm storage structure, or greenhouse shall be twenty-four (24) feet as measured from the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

**Exception 1:** An antenna of a “stealth telecommunications transmission facility” which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

**Exception 2:** For large scale utility line structures, there shall be no maximum height.

**Exception 3:** Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a special exception granted according to the terms of zoning section 7-21.

Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

2. The minimum height of any dwelling shall be eight (8) feet above natural grade.

#### H. DWELLINGS SIZE AND PATTERN

For any one-family dwelling, manufactured home, or other building containing a dwelling unit permitted in the zone:

1. The combined minimum habitable floor area of the ground level story and any habitable stories above the ground level shall be not less than eleven-hundred (1100) square feet, excluding basements, decks, patios, garages, unoccupied areas and nonhabitable areas. For the purposes of this section, a story is deemed to be “ground level” or above if half or more of the distance between the floor and ceiling is elevated above the average grade of the ground surrounding the building. A “basement” is a story with half or more of the distance between the floor and ceiling below such average grade.
2. The roof shall have a slope of 2 to 12 or greater, shall have a nonreflective covering (exception: solar collection cells), and shall have eaves (including attached gutters) that extend at least six (6) inches beyond the walls.
3. The exterior siding material, other than windows and solar collection cells, shall be non-reflective.

#### I. SPECIAL REQUIREMENTS

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
2. No occupied building for which the sewage or septic waste is disposed of in the soil shall be approved if the sewage disposal site has a slope exceeding thirty (30) percent.
3. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil or where the side slopes are too steep to become re-vegetated.
4. The grade of roads and driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent and the road shall be maintained so as to be readily accessible to emergency vehicles.
5. All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard-surfacing, or a layer of topsoil of at least one inch in depth. In order to prevent the soil from eroding, it shall be re-seeded with plant material having sufficient concentration to screen at least twenty-five (25) percent of the exposed surface from view.

#### J. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with the applicable requirements set forth in Chapter 3, entitled

Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the zoning ordinance.